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IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

<p><b>STATE OF CALIFORNIA, et al.,</b></p> <p style="text-align: right;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p><b>MICHAEL REGAN, et al.,</b></p> <p style="text-align: right;">Defendants,</p> <p><b>STATE OF GEORGIA, et al.,</b></p> <p style="text-align: right;">Intervenor-Defendants.</p>
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Case No. 3:20-cv-03005-RS

**JOINT STIPULATION RE:  
 BRIEFING SCHEDULE ON  
 DEFENDANTS' MOTION FOR  
 REMAND**

Action Filed: May 1, 2020

1 Subject to the Court’s approval, and pursuant to Civil Local Rule 7-12, Plaintiffs<sup>1</sup>,  
 2 Defendants<sup>2</sup>, and State Intervenors<sup>3</sup> (collectively, the Parties), HEREBY STIPULATE as  
 3 follows:

4 1. On May 1, 2020, Plaintiffs filed a complaint challenging “The Navigable Waters  
 5 Protection Rule: Definition of ‘Waters of the United States’” (2020 Rule) for violations of the  
 6 Administrative Procedure Act, 5 U.S.C., § 551, *et seq.*

7 2. On June 14, 2021, Defendants filed a Motion to Continue Stay and informed the  
 8 Court that they intend to file a motion for remand of the 2020 Rule without vacatur. Dkt. No. 245  
 9 at 2. The Motion to Continue Stay requested that all existing deadlines be vacated. *Id.*

10 3. On June 16, 2021, the Court issued an Order vacating all existing deadlines and  
 11 staying the proceedings, except with respect to Defendants’ motion for remand without vacatur,  
 12 until the Court rules on that motion. Dkt. No. 247 at 2. The Order directed Defendants to file their  
 13 motion for remand without vacatur by July 16, 2021. *Id.*

14 4. Plaintiffs reserved all their rights with regards to Defendants’ motion for remand  
 15 without vacatur. Dkt. No. 244 at 3. State Intervenors reserved the right to oppose Defendants’  
 16 remand motion. *Id.*

17 5. In order to adequately prepare and present their arguments regarding Defendants’  
 18 motion for remand without vacatur, the Parties have agreed to extend the default briefing  
 19 schedule for their briefs in support of and in opposition to Defendants’ remand motion as follows:

- 20 a. Plaintiffs’ and State Intervenors’ briefs opposing/responding to Defendants’  
 21 motion for remand without vacatur will be due on August 9, 2021;

22  
 23 <sup>1</sup> Plaintiffs are the States of California, New York, Connecticut, Illinois, Maine, Maryland,  
 24 Michigan, New Jersey, New Mexico, North Carolina, Oregon, Rhode Island, Vermont,  
 25 Washington and Wisconsin, the Commonwealths of Massachusetts and Virginia, the North  
 26 Carolina Department of Environmental Quality, the District of Columbia, and the City of New  
 27 York.

28 <sup>2</sup> Defendants are the United States Environmental Protection Agency (EPA), EPA  
 Administrator Michael Regan, the United States Army Corps of Engineers (Army Corps), and  
 Assistant Secretary for the Army Corps Jaime Pinkham.

<sup>3</sup> State Intervenors are the States of Georgia, West Virginia, Alabama, Alaska, Arkansas,  
 Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, North  
 Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, and Wyoming.

b. Defendants' reply in support of their motion for remand without vacatur will be due on August 23, 2021.

IT IS SO STIPULATED.

Dated: July 15, 2021

Respectfully Submitted,

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**SIGNATURE ATTESTATION**

Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: July 15, 2021

/s/ Tatiana K. Gaur  
TATIANA K. GAUR

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**CERTIFICATE OF SERVICE**

Case Name: **State of California, et al. v. Andrew R. Wheeler, et al.**

Case No.: **3:20-cv-03005-RS**

I hereby certify that on July 15, 2021, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**JOINT STIPULATION RE: BRIEFING SCHEDULE ON  
DEFENDANTS' MOTION FOR REMAND**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 15, 2021, at Los Angeles, California.

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Beatriz Davalos  
Declarant

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/s/ Beatriz Davalos  
Signature

LA2020300885